

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 4497 of 2018

Anand Mohan Gupta S/o Late Shri T. C. Gupta, Aged About 67 Years,
Occupation Retired Civil Surgeon, R/o Uma Sadan, Nayaganj, Itwari
Bazar, Raigarh, District Raigarh, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahandi Bhawan, New Mantralaya, District Raipur, Chhattisgarh.
2. The Director Cum Commissioner, Health And Family Welfare Department, Indrawati Bhawan, New Mantralaya, District Raipur, Chhattisgarh.
3. The Civil Surgeon Cum Chief Hospital Superintendent, Lakhiram Agrawal Smrity Chikitsa Mahavidhyalay, Raigarh, District Raigarh, Chhattisgarh.
4. Joint Director, Treasury, Account And Pension, Raipur, District Raipur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Vineet Kumar Pandey, Advocate.
For State	:	Shri S.P.Kale, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/07/2018

1. With the consent of the parties, the matter was heard finally.
2. The challenge in the present Writ Petition is to the order dated 15/05/2018 Annexure-P/1 which was a representation made by the petitioner for grant of retiral dues including the pensionary benefits which stands rejected by the respondent No.2 on the ground that, there is a departmental proceeding pending against the petitioner.

3. Perusal of record would show that, the petitioner has been subjected to a departmental proceedings since 2007 onwards when on 02/02/2007 the petitioner was served with a chargesheet for the first time. Thereafter, in spite of 11 years having been passed, the respondents have till date not been able to conclude the departmental proceeding initiated against the petitioner. In between, the petitioner also is said to have crossed the age of superannuation with effect from 31/08/2012. Though, more than 6 years have lapsed from the date of crossing superannuation, the petitioner has not been released with his retiral benefits grant of full pension which he was otherwise entitled for except for a part payment which has been made by the department.

4. Considering the totality of the facts and also taking note of the fact that the respondents have been sitting over the departmental proceedings for almost 11 years, this Court does not intend to keep the Writ Petition pending, rather ends of justice would meet if the Writ Petition is disposed off with a direction to the respondent No.2 to ensure that the departmental enquiry is concluded and a final decision is taken within an outer limit of 90 days from the order passed by this Court is produced before the respondent No.2.

5. It shall be the responsibility of the petitioner to apprise the respondent No.2 of the order passed by this Court at the earliest for compliance.

6. If necessary, the respondent No.2 shall also instruct the concerned authority to proceed further with departmental enquiry on a day to day basis and it is further directed that the petitioner shall also render all corporation for the early conclusion of the proceedings.

7. In case if the respondents are not in a position to proceed further with departmental enquiry, then the respondent No.2 shall take a decision of dropping the entire proceedings immediately after the outer limit granted by this Court and take steps to release the balance of retiral dues and pension payable to the petitioner.
8. The Writ Petition accordingly stands disposed off.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE